IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.165 of 2005

Between:

Sri Bala Siva Yogendra Maharaj Degree College, Rep. by its President & Correspondent Sri Bala Siva Yogendra
Maharaj @ Thota Eswara Vara Prasad, S/o. Late T. Rosaiah, aged about 54 Years, R/o. Mydukur, Kadapa District, Andhra Pradesh.

..... PETITIONER

AND

1 The Director of Collegiate Education, Government of Andhra

Pradesh, Hyderabad.
2 The Regional Joint Director of Collegiate Education, Kadapa District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction mostly one which is in the nature of Writ of MANDAMUS declaring the Proc. 776/Administrative IV 3/2004-1 dated 28-12-2004 of the 1st respondent as illegal, irregular, arbitrary, unjustified, unreasonable, unconstitutional and unsustainable.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court, at the admission stage, made the following:

ORDER:

Challenging the show cause notice issued by the 1st respondent-Director of Collegiate Education in Rc.No.776/Admn.IV-3/2004-1, dated 28.12.2004 calling upon the petitioner to explain as to why the Management should not be suspended and Special Officer be appointed to run the College, the present writ petition has been filed.

Heard the learned counsel for petitioner and learned Government Pleader for Higher Education.

Learned counsel for the petitioner submits that the allegations mentioned in the show cause notice dated 28.12.2004 took place during the year 2000-2001 and thereafter no irregularity is committed by the Management and the petitioner-College is running very smoothly.

As can be seen from the impugned show cause notice dated 28.12.2004, the petitioner is only directed to submit his explanation within a week's time for the irregularities mentioned in the said show cause notice. The petitioner without giving any explanation to the said show cause notice filed the present writ petition seeking to declare the said show cause notice as illegal and arbitrary. Since the impugned notice is only a show cause notice, at this stage it is not proper for this Court to presume that the respondents are going to pass orders against the petitioner without considering his explanation.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following direction.

The petitioner is directed to submit his explanation to the 1st respondent-Director of

Collegiate Education to the show cause notice dated 28.12.2004 raising all the pleas along with material in support of his claim within a period of one week from today. On receipt of such explanation, the 1st respondent-Director of Collegiate Education shall consider the same and pass appropriate orders in accordance with law taking into consideration of the material that may be filed by the petitioner and the enquiry reports of the earlier irregularities made against the petitioner.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

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(N.V. RAMANA, J)

Date: 18.01.2005

Issue CC in three days

(B/O)

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Director of Collegiate Education, Government of Andhra

Pradesh, Hyderabad.
2 The Regional Joint Director of Collegiate Education, Kadapa District.

3 Two CCs to GP for Higher Education, High Court of AP, Hyderabad

(OUT)

4 Two CD copies.